

**ELK RAPIDS TOWNSHIP  
PLANNING COMMISSION**

Meeting Minutes – Tuesday November 17, 2009

Chairwoman Mischel called the meeting to order at 6:30 PM at the Government Center, 315 Bridge Street.

Present: Dorance Amos, Jean Derenzy, Emile Sabty, Shen Smith and Renee Mischel.

Absent: William Larson and Jim Lundy.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant and audience of 3.

**Adoption of Agenda:** Agenda for 11-17-2009 meeting was adopted by consensus.

**Approval of Minutes:**

M/S – Derenzy/Smith. Minutes for 10-20-2009 meeting were approved unanimously.

**Public Forum:** None

**Public Hearing**

Amendment of zoning Ordinance Chapter I, Section 1.03 – DEFINITIONS, Special Exception, and Chapter 15, WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, Sections 15.04-D-1 and 15.07.

Chairwoman Mischel opened the Public Hearing, and with no public input, Smith/Sabty moved to close the Public Hearing. Approved 5-0-0

As there was no further discussion Chairwoman Mischel asked for approval of the amendment.

M/S – Smith/Sabty. Move to recommend the approval of the amendment to Zoning Ordinance Chapter 1, Section 1.03 – DEFINITIONS, Special Exception, and Chapter 15 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, Sections 15.04-D-1 and 15.07 as written.

Section 1.03 – DEFINITIONS

**Special Exception (Special Use)** - A use that meets the intent and purpose of the zoning district, but which requires the review and approval of the Planning Commission in order to ensure that any adverse impacts on adjacent properties or public services and facilities that may be generated by the use can be, and are, mitigated; as prescribed in Section 19.07.

Section 15.04 – GENERAL REQUIREMENTS, Sub Section D-1

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standard of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. A monopole design is preferred and the design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility from off site, maximize aesthetic appearance including at and from ground level, and ensure compatibility with surroundings.

Section 15.07 – BUILDINGS OR OTHER EQUIPMENT STORAGE

Buildings or other equipment cabinet's accessory to an antenna or tower shall be unmanned. Buildings or other equipment cabinets shall not exceed the maximum height for accessory structures and shall be located in accordance with the minimum setback requirements for the zoning district in which it is located. Buildings or other equipment

cabinets shall be screened from view from any nearby residential properties by an opaque evergreen hedge. The provisions of this subsection may be modified by the Planning Commission to encourage collocation.

Vote. Yes – Amos, Derenzy, Sabty, Smith and Mischel

Motion passed 5-0-0. Approved amendment #2009-03 will be sent to County for review and concurrence.

### **Old Business**

#### SOB Ordinance Review Update

Mr. Nix, Planning Consultant advised that he had a phone discussion Varnum, suggestions were made, and the cost of review would be substantial. He spoke with Mr. White, TWP Supervisor, and is waiting for directions. He noted that some modifications may have to be done, but will wait until after he hears from Mr. White.

M/S - Mischel/Smith. Move to table the SOB discussion until after receiving direction from the Township on how to proceed. **Passed 5-0-0.**

#### Elk Rapids Township Community Character – Visioning

Chairwoman Mischel stated that to arrive at a plan of action to address improving the Zoning Ordinance, Mr. Nix did review the Master Plan and the Zoning Ordinance for items that need addressing; he also reviewed the old priority charts and lists for review. In his memo of Nov 17, 2009, he put together a plan of action to consider. Mr. Nix was asked to review his memo on the subject.

Mr. Nix stated that he merged the what has been done thoughts and to do lists together and arrived at the 24 items listed in the memo. Some were completed, some are being worked on, and others have not been addressed. From a planning point of view, a list of the five top items was derived, Contract Rezoning, Mixed Use, Variance Discussion, Open Space and Home Occupations.

The Zoning Enabling Act permits Contract Rezoning which is not in the Zoning Ordinance. If someone applies to build on a piece of property a certain business, we can recognize it, but can't put conditions on its rezoning. The Act allows the applicant to bring forward an offer in writing, in a proper form, stating that they will rezone this property for a commercial specific use. They would tie a site plan to it and it becomes a contract rezoning. We can't do that now because we don't have guidelines in the Zoning Ordinance that permit that. It is a powerful tool from that stand point on both parties. It helps achieve the desired rezoning request for that particular use, rather than being obligated to accept any commercial use. We look at it now as being straight rezoning, but we can't guarantee it to be that one specific use only.

Text would be drafted for the Zoning Ordinance which allows an applicant to offer a contract rezoning. The TWP Board has the ultimate decision to accept or reject the contract offer; it is not a public negotiations. Suggestions can be made by outsiders for some changes in the contract, but not in a negotiation. The public advantage in this process is that it limits the choice to that specific use contracted for and only that. Under the current commercial rezoning any business can be put there. To make a change in use they would request a contract change from the one use to another through the rezoning process. Contract rezoning would apply to any kind of rezoning.

Chairwoman Mischel asked the PC for their approval to pursue the selected items as we move forward.

M/S – Smith/Derenzy. Move to adopt the selected top items of priority to be worked on by the PC with other items to be looked at later. **Passed 5-0-0.**

### **New Business**

#### Site Plan Review – Twin Bay Medical

Mr. Harrett, Zoning Administrator, gave a brief review of the request. There is an urgent need to add 2400 sq ft of warehouse type space at the back end of the existing building for additional equipment use and storage. The addition becomes an extension of the existing building. There are no changes to the previously approved site plan. He saw no problem with the addition nor any issues envisioned.

Mr. Nix reviewed his summary memo stating that this request is somewhat different from the normal process of a site plan review. The site plan approved on April 3, 2008 has not changed except for the requested addition to the west side of the building. The space is needed soon for new business. The area affected has no criteria that would require additional study. Some of the established reserved parking area will be affected, but there is ample space to handle that. Should the request be approved, he would suggest that before the applicant proceeds with the original phase, that a site plan be submitted that would show the revised reserve parking area. For key questions involving building height and illumination, he suggests that the Zoning Administrator review those before issuing a permit.

Questions were raised about the six suggested conditions in Mr. Nix memo. These were tailored to be similar to the Site Plan Review of April 2008, they are to be looked at as a reminder for review before the fact, and they are basically a repeat of the contents of the approved Site Plan Review of April 3, 2008.

Mr. Albert Werth, applicant, stated that the current economic conditions delayed completing the major expansion to the facility. Currently they have been awarded five new drug projects that created the urgent need for the addition hoping to complete it within 90 days to keep the new business. The addition request is referred to as phase one and the original request as phase two. They hope to work on phase two as soon as the economy improves. The addition height will be identical to the existing building: there will be only one light over the north side door.

Mr. Sabty suggested a two phase approach to proceeding with the request. In the first phase, the original Site Plan approved on 4-3-2008 did expire on 4-3-2009, before being put in use and less than a year ago. He proposes a motion to extend the original Site Plan for another year expiring on 4-3-2010. Prior to that time the applicant may apply for an extension on a yearly basis. That way the original Site Plan would be reactivated. In the second phase, we would consider amending the original site plan to include the addition requested.

Mr. Nix advised that using this approach will utilize the Ordinance which does allow the PC to approve a yearly extension of a site plan as long as there are no changes to the original approved site plan. In this case on hand, there is nothing in the Ordinance rules that have changed which will prohibit us from doing what is suggested. It would be acceptable to do that.

M/S – Sabty/Amos. Move that the approved Twin Bay Medical, Inc Site Plan Review of April 3, 2008 for the property located at 11590 US-31 South, Williamsburg, MI be granted a one year extension that expires on April 3, 2010.

Vote. Yes - Amos, Derenzy, Sabty, Smith, Mischel.

**Passed 5-0-0.**

Mr. Sabty proceeded with the second phase of the suggestion to authorize the expansion stating that, as the current general economic conditions has had a slowing effect on business expansion. As this slowdown affected the proposed expansion of the Twin Bay Medical, Inc facility as proposed in the Site Plan Review of April 3, 2008. As at this time, the applicant is requesting approval to expand the approved Site Plan to include constructing a 40'x60' basic building addition on the back side of the existing building that will also meet all the standards and conditions agreed to in the Site Plan Review of April 3, 2008, a motion is proposed to this effect.

M/S – Sabty/Amos. Move to revise the approved Site Plan Review of April 3, 2008 for Twin Bay Medical, Inc, 11590 US-31 South, Williamsburg, MI to include expanding the existing building by constructing a 40'x60' addition on the rear side of the existing building, with the condition that all the standards, requirements and conditions agreed to in the Site Plan Review of April 3, 2008 shall stay in effect and be totally applicable to said addition. Further conditions are:

- Building elevations, lighting details, and dumpster screening details for the phase 1 addition shall be submitted to the Zoning Administrator for review and approval prior to issuance of any Township permits.
- The future potential parking space plan and ultimate storm water calculations will need to be submitted for review and approval prior to the start of any phase 2 elements of the site plan and issuance of any Township building permit.

Discussion addressed the need to show the additional parking space in the back and its inclusion in the revised site plans of phase 2. The three site plan drawings on hand came into question that not all three prints show the requested addition on the prints. Mr. Nix explained that the 1<sup>st</sup> print shows what is there now plus the addition, the 2<sup>nd</sup> print shows the site plan as approved on 4-3-2008, and the 3<sup>rd</sup> print shows the comprehensive picture of all phases. There will be a new submission of plans when phase 2 takes place.

Vote – Yes. Amos, Derenzy, Sabty, Smith, Mischel.

**Passed 5-0-0.**

**Correspondence** Non received.

**Public Comments** Non

**Members Comments** Non

As there was no further business Chairwoman Mischel adjourned the meeting at 8:10 PM.

The next scheduled meeting will be on Tuesday December 15, 2009 at 6:30 PM in the Government Center, 315 Bridge Street.

E. S. Sabty, Secretary  
11-17-2009

**Minutes Approved 12-15-2009**

Minutes are subject to approval at the next regular Planning Commission Meeting.